

**IN THE MATTER OF AWARDING THE CONTRACT TO HUME SUPPLY, INC FOR THE VILLA NOVA
SANITARY SEWER MANHOLES AND LATERALS REPLACEMENT.**

The Board of Auglaize County Commissioners met in regular session on the 27th day of April, 2010.

Commissioner Spencer moved the adoption of the following

RESOLUTION

WHEREAS, on April 20, 2010, the Board of County Commissioners opened bids for the replacement of Sanitary Sewer manholes and laterals in a portion of the Villa Nova Sewer System ; and,

WHEREAS, bids were given to the Engineer Doug Reinhart for review with a recommendation as to bid award to be submitted to the Board; and,

WHEREAS, after said review and comparison, Eng. Reinhart submitted a written recommendation that the bid be awarded to Hume Supply, Inc. as its bid was the best and lowest bid received in the amount of \$97,017.79; the Engineer's Estimate was \$150,000.00.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby award the bid for the replacement of Sanitary Sewer manholes and laterals in a portion of the Villa Nova Sewer System to Hume Supply, Inc. in the amount of \$97,017.79; and,

BE IT FURTHER RESOLVED that the County Engineer is hereby directed to prepare the contracts and bonds and, having secured the signatures of said bidder and its sureties, present the same to the Board of County Commissioners for approval.

Commissioner Bergman seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the resolution as follows:

Adopted this
27th day of
April, 2010

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

<u>Don Regula</u>	<u>yes</u>
Don Regula	
<u>John N. Bergman</u>	<u>yes</u>
John N. Bergman	
<u>Douglas A. Spencer</u>	<u>ye</u>
Douglas A. Spencer	

cc: County Engineer

NOTICE OF AWARD

To: HUME SUPPLY, INC.
1359 E. HANTHORN ROAD
LIMA, OH 45804

Project Description: VILLA NOVA SEWER REPLACEMENT

The OWNER has considered the BID dated APRIL 20, 2010 submitted by you for the above described WORK in response to its Advertisement for BIDS and Information for Bidders.

You are hereby notified that your BID has been accepted for items in the amount of \$ 97,017.79

You are required by the Information for Bidders to execute the Agreement and furnish the required Maintenance and Guarantee Bond, certificates of insurance and all other forms as required within ten (10) calendar days from the date of this Notice to you.

If you fail to execute said Agreement and to furnish said BONDS within ten (10) days from the date of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this 20th day of April, 2010.

Owner Board of Auglaize County Commissioners

By Don Reardon

Title John N. Bergman
Deputy A. Snow

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged by:
_____ this the _____ day of _____, 2010.

By _____

Title _____

County Commissioners Office
Auglaize County, Ohio
April 27, 2010

No. 10-144

IN THE MATTER OF ENTERING INTO A CONTRACT WITH THE ALLEN COUNTY COMMISSIONERS FOR THE HOUSING OF STRAY DOGS FOR THE AUGLAIZE COUNTY DOG WARDEN.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 27th day of April, 2010.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, the Auglaize County Board of Commissioners recently received a contract from the Allen County Commissioners concerning the surrender and housing by the Allen County Dog Control Department of Auglaize County stray dogs; and,

WHEREAS, said contract has been discussed by the Auglaize County Commissioners and Auglaize County Dog Warden Russ Bailey; same contract being found agreeable by all parties involved.

THEREFORE BE IT that the Board of County Commissioners, Auglaize County, Ohio, does hereby approve and authorize the contract submitted by the Allen County Commissioners for the purpose so mentioned above; and,

BE IT FURTHER RESOLVED that the President of the Board of Auglaize County Commissioners is hereby authorized to execute said contract; and,

BE IT FURTHER RESOLVED that the term of this contract is retroactive to August 12, 2009 and terminates August 12, 2010.

Commissioner Bergman seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
27th day of
April, 2010

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO
Don Regula , yes
Don Regula
John N. Bergman , yes
John N. Bergman
Douglas A. Spencer , y
Douglas A. Spencer

cc: Allen County Commissioners
 Auglaize County Dog Warden

AGREEMENT

This Agreement ("Agreement"), dated August 12th 2009, is between the Allen County Board of Commissioners and the Auglaize County Board of Commissioners (collectively, "Parties").

RECITALS

WHEREAS, the Auglaize County Board of Commissioners appoints the Auglaize County Dog Warden under Ohio Revised Code § 955.12; and

WHEREAS, pursuant to Ohio Revised Code § 955.16, dog wardens are responsible for keeping, housing, and feeding registered and unregistered dogs who have strayed from their owners' properties ("Stray Dogs"); and

WHEREAS, the Auglaize County Dog Warden lacks a facility to house Stray Dogs and show them for adoption; and

WHEREAS, the Auglaize County Dog Warden wants to surrender its Stray Dogs to the Allen County Dog Control Department for a fee pursuant to a limited term contract.

NOW THEREFORE, in consideration of the mutual promises and responsibilities set forth herein, the Parties agree as follows:

- Section 1. **Definitions.** Terms defined in the preamble and the recitals of this Agreement have their assigned meanings.
- Section 2. **Catching Stray Dogs.** The Auglaize County Dog Warden shall patrol, seize, and impound Stray Dogs in Auglaize County, Ohio pursuant to Ohio Revised Code § 955.12.
- Section 3. **Holding Time.** The Auglaize County Dog Warden shall determine whether a dog is registered in order to hold the dog for the appropriate amount of time as directed by Ohio Revised Code § 955.12 and 955.16.

3.1. **Registered Dogs.** Pursuant to Ohio Revised Code § 955.12, where the Auglaize County Dog Warden can determine a Stray Dog's owner from the current registration list, the Auglaize County Dog Warden shall hold the Stray Dog for fourteen days.

3.2 **Unregistered Dogs.** If the Auglaize County Dog Warden cannot determine the Stray Dog's owner from the current registration list, then the Auglaize county Dog Warden shall hold the Stray Dog for three days. The Auglaize County Dog Warden shall post a notice in its pound or shelter describing the Stray Dog and the location from which the Stray Dog was seized and instruct the owner that it has three days to claim the Stray Dog.

Section 4. **Delivering Stray Dogs.**

Section 4.1. **Transportation.** The Auglaize County Dog Warden shall transport Stray Dogs to the Allen County Dog Warden. The Auglaize County Dog Warden shall bear all expenses related to transporting Stray Dogs.

Section 4.2 **Arrangements.** The Auglaize County Dog Warden shall contact the Allen County Dog Warden and request a specific day and time to deliver the Stray Dogs.

Section 5. **Compensation.** The Auglaize County Dog Warden shall pay the Allen County Dog Warden Ten Dollars and 00/100 (\$10.00) per Stray Dog upon delivery of each Stray Dog.

Section 6. **Disposition.** The Allen County Dog Warden may disposition Stray Dogs consistent with the Ohio Revised Code as it deems necessary. The Auglaize County Dog Warden shall release all rights to the Stray Dogs upon delivery to the Allen County Dog Warden.

Section 7. **Quantity.** The Allen County Dog Warden may accept up to ten Stray Dogs per week. The Allen County Dog Warden may refuse to accept any Stray Dog.

Section 8. **Duration of Agreement.**

Section 8.1 **Limited Term.** This Agreement commences on August 13, 2009 and terminates on August 12, 2010 unless one of the Parties terminates this Agreement earlier in accordance with Section 8.2 of this Agreement or law.

Section 8.2 **Termination.** Either the Allen County Dog Warden or the Auglaize County Dog Warden may terminate this Agreement upon 30 days' written notice.

Section 9. **Miscellaneous**

Section 9.1 **Entire Agreement.** This Agreement constitutes the entire agreement between the Parties and supersedes any prior or contemporaneous understanding or agreement between the parties regarding the subject of this agreement.

Section 9.2 **Force Majeure.** Neither party shall hold the other party responsible if a tornado, fire, flood or any other natural disasters the party cannot control interferes with the performance of this Agreement.

Section 9.3 **Assignment and Delegation.** Neither of the Parties may assign any right or interest in this Agreement without the written permission of the other party, and no party may delegate any obligation owed by the party without the written permission of the other party. Any attempted assignment or delegation shall be void.

Section 9.4 **Severability Clause.** The invalidity, in whole or in part, of any term of this Agreement does not affect the validity of the remainder of the Agreement.

Section 9.5 **Non-Waiver.** The failure of either the Allen County Board of Commissioners or the Allen County Dog Warden to insist on strict performance of this Agreement does not waive any term of this Agreement. The rights and remedies provided by this Agreement are cumulative, and are in addition to any other rights the Parties may have by law, statute, ordinance or otherwise.

Section 9.6 **Counterparts.** The Parties may execute this Agreement in several counterparts, each of which is an original but which together constitute one and the same document.

Section 9.7 **Headings.** The Parties shall use the headings in this Agreement for reference purposes only.

The Parties have executed this Agreement on the dates set forth below.

Allen County
Board of Commissioners:
Allen County Dog Warden

Auglaize County
Board of Commissioners:
Auglaize County Dog Warden

By: 
Its President

By: 
Its President

Date: 8/12/09

Date 4-27-10

IN THE MATTER OF AUTHORIZING RENOVATIONS TO THE BUSINESS OFFICE AT AUGLAIZE ACRES.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 27th day of April, 2010.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, the following correspondence was received by the Board of County Commissioners from Auglaize Acres Administrator Nick Scheck:

To: Board of County Commissioners
From: Nick Scheck, LNHA
Administrator
Date: April 20, 2010
Reference: Business Office Remodel

I recommend a resolution from the Board of County Commissioners to remodel the Business Office with the following bids:

\$8,934.80	Office Furniture & Filing Cabinets – Innovative Office Solutions
\$3,367.00	Labor and Material to Remove Existing VCT and Install the following in Two Front Offices: Metroflor 18 X 18 Versital Slate and 4" Rubber Base
\$1,443.00	Labor to Remove Existing Wallpaper and Sizing to Prep for New Paper. Labor to hang New Wallpaper and 26 rolls of Fireproof Wallpaper.

THEREFORE, BE IT RESOLVED that the Board of Commissioners, Auglaize County, Ohio, does hereby authorize the above mentioned expenses for the Business Office Remodeling at Auglaize Acres.

Commissioner Bergman seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
27th day of
April, 2010

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula . yes
Don Regula

John N. Bergman . yes
John N. Bergman

Douglas A. Spencer . yes
Douglas A. Spencer

IN THE MATTER OF AUTHORIZING THE COUNTY AUDITOR TO DRAW WARRANTS FOR THEN AND NOW CERTIFICATE PAYMENTS.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 27th day of April, 2010.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, the practice of using "Then and Now Certificates" has been instituted by the County Auditor.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, the taxing authority for Auglaize County, having thirty (30) days to approve payment by resolution from receipt of "Then and Now Certificates", does hereby approve the following:

<u>Check No.</u>	<u>Amount</u>	<u>Vendors</u>
338441	189.05	City of Wapakoneta
338494	311.03	Kevin Schnell
338508	200.00	Jennifer Myers
338560	19870.49	Beeber Pharmacies, Inc.

Commissioner Bergman seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
27th day of
April, 2010

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula, yes
Don Regula

John N. Bergman, yes
John N. Bergman

Douglas A. Spencer, yes
Douglas A. Spencer

cc: County Auditor